

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DERRICK WILLIAMS,

Plaintiff,

v.

Civil Action No.: 3:24-CV-00696

GORDON J. PAINTER

Defendant.

MOTION TO DISMISS
FIRST AMENDED COMPLAINT

COMES NOW Gordon J. Painter (“Corporal Painter”), by counsel, pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7 and moves the Court to dismiss the First Amended Complaint against him for failure to state a claim upon which relief can be granted.

Each of the causes of action pled by Plaintiff in his First Amended Complaint arise out of Corporal Painter’s response, in his capacity as a law enforcement officer, to a 911 call reporting a breaking and entering and burglary in progress at an apartment complex in Chesterfield County, Virginia. The allegations in the First Amended Complaint, combined with the body worn camera video of officers, demonstrate that Corporal Painter did not violate Plaintiff’s clearly established constitutional rights and therefore, he is entitled to qualified immunity and dismissal of all counts of the First Amended Complaint.

WHEREFORE, for the reasons stated herein and in the accompanying Memorandum in Support of Motion to Dismiss First Amended Complaint, Gordon J. Painter respectfully moves this Court to dismiss this case with prejudice.

GORDON J. PAINTER

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